

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated February 17, 2006.

The Final Office Action has been carefully considered. Claims 1-28 are pending in the present application with claims 17-28 previously withdrawn in response to the Requirement for Restriction dated May 27, 2005. By the present Amendment, claim 1 has been amended in order to further clarify the features of the present application. No new matter has been added by the present Amendment.

The Office Action repeats the rejection of claims 1 and 10 under 35 U.S.C. §102 as allegedly being anticipated by Snoke, et. al. (6,234,958). Reconsideration of the rejection of these claims is respectfully requested.

Claim 1, as amended herein, relates to an endoscope system including an endoscope having an insertion unit guide member including "a plurality of tubular members each of which has a guide channel that has a predetermined diameter permitting another of said plurality of tubular members or the insertion unit to smoothly pass through the guide channel".

The Examiner has reiterated the reasons for this rejection from the previous Office Action. In addition, the Examiner, in response to the arguments presented in Applicant's response filed November 28, 2005 contends that the language of claim 1 does not preclude application of the Snoke reference, since the reference meets all the claimed limitations. Specifically, the Examiner argues that the claim as written, does not require the structure, for example of Figure 3 of the present application, wherein the plurality of tubular members are connected end to end rather than side by side as allegedly described in Snoke. Applicant respectfully disagrees.

Claim 1, as amended herein, specifically recites that the unit guide member includes a plurality of tubular members each of which has a guide channel that has a predetermined diameter permitting "another of said plurality of tubular members or the insertion unit to smoothly pass through the guide channel". Snoke does not disclose such a feature. As is discussed in Applicant's previous response, Snoke merely discloses a medical introducer 30 that

includes an introducer body 31 with a plurality of lumen 34, 35, 36, 37 and 38 which extend through the introducer body. Snoke, however, provides no disclosure whatsoever to indicate that any of the lumen 34, 35, 36, 37 or 38 include a guide channel with a diameter permitting another of the lumen to pass smoothly through the guide channel. Further, this feature would provide no benefit in the medical introducer of Snoke since the lumen 34-38 of Snoke are positioned adjacent to each other and thus would not and could not pass through each other.

Accordingly, it is respectfully submitted that claim 1, as amended herein, is patentable over Snoke for at least the reasons described above.

Claim 10 depends from claim 1. Since it is believed that claim 1 is patentable over Snoke in light of the reasons discussed above, it is further respectfully submitted that claim 10 is also patentable over Snoke et al. for at least similar reasons.

Claim 12 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Snoke in light of Japanese Publication No. 2001-205819. Reconsideration of the rejection of this claim is respectfully requested.

Claim 12 depends directly from claim 1. As noted above, it is respectfully submitted that claim 1 is patentable over Snoke for at least the reasons described above. Further it is respectfully submitted that claim 1, and the claims depending therefrom, including claim 12, are patentable over Snoke and the Japanese reference, since Snoke and the Japanese reference, either alone or in combination, fail to show or suggest the patentable features of claim 1 as described above.

Applicants appreciate the Examiner's indication that claims 2-9, 11 and 13-16 include allowable subject matter and that they would be allowable if written in independent form to include all limitations of the base claim and any intervening claims. However, claims 2-9, 11 and 13-16 all depend either directly or indirectly from independent claim 1. As noted above, it is believed that claim 1 is patentable over the cited art for at least the reasons described herein. Thus, it is respectfully submitted that claims 2-9, 11 and 13-16 are in condition for allowance in their present form.

In light of the remarks and amendments made herein it is respectfully submitted that claims 1-16 are patentable over the cited art and are in condition for allowance. Favorable reconsideration of the present application is earnestly solicited.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

If a telephone interview with further prosecution of the present application, the Examiner is invited to call the Applicant's undersigned attorney at the number indicated below.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 12, 2006:

Max Moskowitz

Name of applicant, assignee or  
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Signature  
May 12, 2006

Date of Signature

Respectfully submitted,



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